

1 Jared P. Green
Nevada Bar No. 10059
2 Dylan P. Todd
Nevada Bar No. 10456
3 McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
4 8337 West Sunset Road, Suite 350
Las Vegas, Nevada 89113
5 Telephone: (702) 949-1100
Facsimile: (702) 949-1101
6 jared.green@mccormickbarstow.com

7 Eron Z. Cannon
Nevada Bar No. 8013
8 Fain Anderson VanDerhoef
Rosendahl O'Halloran Spillane PLLC
9 701 5th Avenue #4750
Seattle, WA 98104
10 206/749-0094
eron@favros.com

11 Attorneys for Plaintiffs
12

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

15 ALLSTATE INSURANCE COMPANY,
16 ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY and ALLSTATE
INDEMNITY COMPANY,

17 Plaintiffs,

18 v.

19 OBTEEN N. NASSIRI, D.C., individually,
20 JENNIFER NASSIRI, individually, JIM
ANDERSEN, individually, CHRISTYN
21 ANDERSEN, individually, DAA TRUST, a
Nevada Trust, HARLEY TRUCK, LLC, a
22 Nevada limited liability company, 181
RUSTY PLANK, LLC, a Nevada limited
23 liability company, ANDERSEN FAMILY
TRUST, a Nevada trust, ADROON, LLC, a
24 Nevada limited liability company, 2111 S.
MARYLAND, LLC, and Nevada limited
25 liability company, FAA FOI TUITAMA,
individually, ADVANCED MED LLC, a
26 California limited liability company, GREEN
TREE SERVICES, LLC, dba MTC WEST
27 COAST MEDICAL TRAINING CENTERS, a
Nevada limited-liability company, VALLEY
28 WELLNESS AND RECOVERY, an entity of

Case No. 2:15-cv-1434-GMN-VCF

**SECOND STIPULATION AND ORDER
TO EXTEND TIME TO RESPOND TO
DEFENDANTS FAA TUITAMA,
ADVANCED MED LLC, AND GREEN
TREE SERVICES LLC'S MOTION FOR
SUMMARY JUDGMENT**

(Second Request)

1 unknown origin, and, GOOD HANDS
2 CHIROPRACTIC, INC. dba GOOD HANDS
3 CHIROPRACTIC, a Nevada corporation,
4
5 Defendants.

6 **SECOND STIPULATION AND ORDER TO EXTEND TIME TO RESPOND TO**
7 **DEFENDANTS FAA TUITAMA, ADVANCED MED LLC, AND GREEN TREE**
8 **SERVICES LLC'S MOTION TO FOR SUMMARY JUDGMENT**
9 **(SECOND REQUEST)**

10 Plaintiffs ALLSTATE INSURANCE COMPANY, ALLSTATE PROPERTY & CASUALTY
11 INSURANCE COMPANY and ALLSTATE INDEMNITY COMPANY, and Defendants FAA FOI
12 TUITAMA, ADVANCED MED LLC, AND GREEN TREE SERVICES LLC, by and through their
13 respective attorneys of record, hereby stipulate to extend the deadlines for response and reply to
14 Defendants' Motion for Summary Judgment.

15 **I. INTRODUCTION**

16 On July 21, 2017, the parties filed a Stipulation and Order to Extend Time to respond to Green
17 Tree Defendants' Motion for Summary Judgment (Dkt. # 153). The purpose of the stipulation was to
18 account for the extra time needed to obtain financial documents that Plaintiff contends are critical to
19 their case. Owing to the somewhat complicated nature of how and under what circumstances those
20 documents were kept, it was necessary to involve another Defendant Obteen Nassiri in the process.
21 The parties originally believed that these documents would have been extracted by August 8th.
22 However, Plaintiffs contend that, due to actions/circumstances of Defendant Obteen Nassiri, these
23 critical documents have not been extracted or produced in their entirety. The parties outline this issue
24 in the sections below.

25 As a result, Plaintiffs will not be in possession of these documents and information before the
26 August 30th deadline to respond to the Motion for Summary Judgment. In an effort to coordinate in
27 good faith and allow for the complete production of these documents, the parties hereby enter into a
28 subsequent extension for the response to the Motion for Summary Judgment.

///

///

1 **II. REASON FOR STIPULATION AND AGREEMENT**

2 The underlying reason for the original stipulation to extend the response time is outlined in the
3 parties' Stipulation and Order (Dkt. # 153), and still apply. However, Plaintiffs believe that recent
4 developments have pushed back the production of those documents and delayed all parties' ability to
5 move forward with the information contended to be contained therein. Plaintiffs maintain¹ that since
6 the original stipulation, the following developments have taken place:

7 On August 11, 2017, Plaintiffs' counsel arrived at the offices of Defendant Nassiri's counsel to
8 oversee the extraction of the documents and information from Nassiri's MacBook laptop and external
9 hard drive. At the outset, Plaintiffs' counsel was informed that the original MacBook was not
10 available, and that a "replacement" laptop had been produced which supposedly contained all the final
11 materials. No external hard drive was produced. The extraction of the documents on the
12 "replacement" laptop took through August 14th to complete.² However, after a scanning of the laptop,
13 it was learned that no documents identifying Green Tree Services, LLC could be located anywhere on
14 the laptop. Moreover, documents from the accounting program that Obteen Nassiri used to creating
15 the financial documents for the Green Tree Defendants were also missing.

16 Counsel for Nassiri did not have any information as to why these documents were not on the
17 laptop or why the external hard drive was not provided. Counsel likewise could not answer question
18 as to whether this missing information was still available. It should be pointed out that Green Tree
19 Defendants were not present at this meeting, and that the laptop and hard drive in question were in the
20 direct possession of Obteen Nassiri at all times relevant leading up to August 11th.

21 ///

22 ///

23 ///

24 ///

25 ¹ In the paragraphs that follow in this Part II ("REASON FOR STIPULATION AND AGREEMENT"),
26 Plaintiffs set forth their view of these events. Neither Defendants FAA FOI TUITAMA, ADVANCED MED
27 LLC, GREEN TREE SERVICES LLC nor their counsel were involved in these events and therefore cannot
offer their own view of what happened.

28 ² August 11th was a Friday, the parties returned the following Monday to complete the process.

1 Certain documents were able to be extracted from the laptop and those have been provided on
2 Green Tree Defendants' counsel on August 23th by a third-party document production company³. Per
3 the agreement set forth in the original stipulation, Green Tree Defendants have 21 days from that date
4 to review the documents provided them and determine any privilege objections. This review has not
5 yet been completed.

6 Plaintiffs are working with counsel for Nassiri to determine what happened to the missing
7 documents and information to determine whether it is still available and/or when they can be
8 produced. This includes determining what exactly happened to the original MacBook laptop and
9 external hard drive. At this point in time, the parties are operating under the belief that the accounting
10 documents might be located on a cloud-based storage system that would allow them to be recovered
11 and produced. Counsel for Nassiri is looking into this matter currently. Plaintiffs have requested that
12 Nassiri provide this information/documents as well as the original laptop by August 25th⁴.

13 Once those documents/information is provided to Green Tree Defendants, they will need 21
14 days to review. Based on the amount of time it will take to process, extract and prepare and produce
15 those documents to Green Tree Defendants from the original extraction, we anticipate that any
16 documents/information disclosed on August 25th will not be available to Green Tree Defendants for
17 their review until September 1, 2017. This means that at the latest, Green Tree Defendants would
18 have until September 22, 2017 to complete their review. Plaintiffs will need two-weeks from that date
19 to prepare their opposition, which would place the response due date to October 13, 2017.⁵

20 ///

21 ///

22 ///

23
24 ³ Although documents were provided to Defendants on August 18th, due to an error in formatting, Green Tree
25 Defendants were unable to review them until they were reformatted and provided on August 23rd.

26 ⁴ In the event that these materials cannot be produced, Plaintiffs will need to examine whether Court
intervention is appropriate.

27 ⁵ As stated previously, there exists the possibility that a privilege issue might arise with the disclosed
28 documents that would require assistance of the US Magistrate Judge. In the event that occurs, the parties will
address the summary judgment response time with the Court.

1 **III. STIPULATION**

2 The parties hereby stipulate and agree as follows:

- 3 1. On July 5, 2017, Defendants filed a Motion for Summary Judgment (Dkt. # 150).
4 2. Plaintiffs presently have until August 30, 2017 to file a Response in opposition to
5 Defendants' motion pursuant to a previous stipulation (Dkt. # 153)
6 3. Due to continuing issues regarding the production and disclosure of documents and
7 information relating to Defendants, the Parties hereby stipulate that Plaintiffs shall have
8 until October 6, 2017 to respond to Defendants' Motion for Summary Judgment.
9 4. Defendants' Reply will be due fourteen (14) days after service of the response; in
10 accordance with NRCP 56(b) and Local Rule 7-2(b).
11 5. This Stipulation is Made in Good Faith and not to delay the proceedings.

12 IT IS SO STIPULATED.

13 DATED this 24th day of August, 2017

DATED this 24th day of August, 2017

14 McCORMICK, BARSTOW, SHEPPARD,
15 WAYTE & CARRUTH LLP

FRIZELL LAW FIRM PLLC

16 By /s/ Dylan Todd

By /s/ Duane Frizell

17 Dylan P. Todd
18 Nevada Bar No. 10456
Daniel I. Aquino
19 Nevada Bar No. 12682
8337 West Sunset Road, Suite 350
20 Las Vegas, Nevada 89113
Tel. (702) 949-1100
21 Attorneys for Plaintiffs

R. Duane Frizell
Nevada Bar No. 9807
400 N. Stephanie St., Suite 265
Henderson, NV 89014
Attorneys for Defendants Faa Foi Tuitama,
Advanced Med LLC, and Green Tree
Services LLC

22 IT IS SO ORDERED.

23 DATED this 25 day of August, 2017.

24
25
26 UNITED STATES DISTRICT COURT JUDGE
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of August, 2017, a true and correct copy of **SECOND STIPULATION AND ORDER TO EXTEND TIME TO RESPOND TO DEFENDANTS FAA TUITAMA, ADVANCED MED LLC, AND GREEN TREE SERVICES LLC'S MOTION FOR SUMMARY JUDGMENT (SECOND REQUEST)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

SERVICE LIST

John M. Langeveld

GERRARD, COX & LARSEN
2450 St Rose Parkway
Henderson, NV 89074

Attorney for JIM ANDERSEN; ADROON, LLC; CHRISTYN ANDERSEN; 181 RUSTY PLANK, LLC; ANDERSEN FAMILY TRUST

Douglas D. Gerrard

GERRARD, COX & LARSEN
2450 St. Rose Parkway #200
Henderson, NV 89074

Attorney for JIM ANDERSEN; ADROON, LLC; CHRISTYN ANDERSEN; 181 RUSTY PLANK, LLC; ANDERSEN FAMILY TRUST

Todd L. Moody

HUTCHISON & STEFFEN
10080 W. Alta Drive
Las Vegas, NV 89145

Attorney for HARLEY TRUCK, LLC, OBTEEN NASSIRI, D.C., JENNIFER NASSIRI, DAA TRUST

Robert Duane Frizell

Frizell Law Firm, PLLC
400 N. Stephanie St., Suite 265
Henderson, NV 89014

dfrizell@frizelllaw.com

Attorney for FAA FOI TUITAMA; ADVANCED MED LLC; GREEN TREE SERVICES, LLC

UNREPRESENTED AS OF 1/21/16

2111 S. Maryland, LLC

**MTC West Coast Medical Training Centers
Valley Wellness and Recovery
Good Hands Chiropractic, Inc.**

By


Tricia Dorner, an Employee of
MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

03246-01462 4672204.1